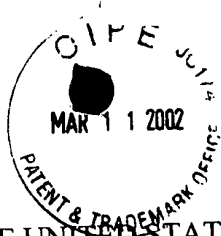


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PATENT 825

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	THOMAS	Examiner:	J. FREDMAN
Serial No.:	09/603,448	Group Art Unit:	1655
Filed:	JUNE 26, 2000	Docket No.:	10552.26US01
Title:	COMPOSITION AND METHOD FOR DETECTING MUTAGENS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on February 27, 2002.

By:

Sheryl A. Boerboom

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AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of January 24, 2002, please enter this amendment and consider the following remarks for the patent application identified above.

In the Claims

Please amend claim 1 as follows.

1. (AMENDED) A method of determining a mutagen comprising:
- contacting a test compound with a host cell comprising a DNA sequence encoding a fluorescent protein operably linked to a mutagen sensitive gene, the host cell being in logarithmic or stationary growth phase;
 - monitoring a host cell preparation for the fluorescent protein; and
 - determining a mutagen when an amount of the fluorescent protein meets or exceeds a predetermined threshold value, wherein determining further comprises statistically analyzing a difference in the location of a data distribution, a difference in a shape of a data distribution, or a combination thereof.

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